

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ELLA JANE McCRAY,**

**Plaintiff,**

**v.**

**CITY OF EUFAULA, ALABAMA,  
STEVE HANNERS, and DAVID  
DUBOSE,**

**Defendants.**

**Case Number 2:06-cv-309-MHT**

**MOTION TO STAY DISCOVERY**

Defendants the City of Eufaula, Alabama, Steve Hanners, and David Dubose move to stay discovery pending a determination of their motion to dismiss.

“Unless the plaintiff’s allegations state a claim of violation of clearly established law, a defendant pleading qualified immunity is entitled to dismissal before the commencement of discovery.” Mitchell v. Forsyth, 472 U.S. 511, 526 (1985).

“Until this threshold immunity question is resolved, discovery should not be allowed.” Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982).

The defendants contend this action should be dismissed for the reasons explained in their motion to dismiss. Until the Court resolves that issue, the defendants believe discovery should not proceed.

**/s/ James H. Pike**

James H. Pike (PIK003)  
Attorney for Defendants Steve Hanners  
and the City of Eufaula, Alabama

OF COUNSEL:

COBB, SHEALY, CRUM & DERRICK, P.A.  
Post Office Box 6346  
Dothan, Alabama 36302-6346  
Tel. (334) 677-3000  
Fax (334) 677-0030  
E-mail [jpike@cobb-shealy.com](mailto:jpike@cobb-shealy.com)

**/s/ Alyce S. Robertson**

Alyce S. Robertson (ROB102)  
Attorney for Defendant David Dubose

OF COUNSEL:

OFFICE OF THE ATTORNEY GENERAL  
11 South Union Street  
Montgomery, Alabama 36130  
Tel. (334) 242-7554  
Fax (334) 242-2433  
E-mail [arobertson@ago.state.al.us](mailto:arobertson@ago.state.al.us)

**CERTIFICATE OF SERVICE**

I, James H. Pike, certify that on June 2, 2006, I electronically served a copy of this document upon:

Benjamin E. Meredith  
707 West Main Street  
Dothan, Alabama 36301

**/s/ James H. Pike**

James H. Pike